

161
Attorney Docket No.: 6631-27092
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: W. Gregory Chernoff Conf. No. 6811
Serial No.: 09/785,715 Group: 3739 ✓
Filed: February 16, 2001 Examiner: Farah, Ahmed M.
For: Tissue Treatment Method

REQUEST TO CONFIRM THE CONTINUITY OF PRESENT APPLICATION 09/785,715
AND PARENT APPLICATION NO. 09/173,990

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

DEC 17 2004

TECHNOLOGY CENTER R3700

Sir:

This is a request for confirmation of the copendency (continuity) of U.S. Application Nos. 09/785,715 (the present application) and 09/173,990 the parent application.

The U.S. Patent and Trademark Office (USPTO) has provided applicant with a filing receipt for the present application (copy attached as exhibit A) which indicates the present application "IS A CON OF 09/173,990 10/16/1998". The present USPTO patent application and information retrieval (PAIR) web site (copy attached as exhibit B) confirms that "[t]his application is a Continuation of 09/173,990".

Notwithstanding the above, the office action of January 27, 2004 continues to aver that there is no copendency between this '715 application and parent '990 application.

Exhibit C is a copy of the receipt card evidencing the filing of the present application papers on February 16, 2001. Exhibit C includes itemization of "Petition for Extension of Time" and Check in the amount of \$800.00". Attached hereto as Exhibit D is a copy of the petition for extension of time filed with the present application on February 16, 2001. The petition is directed to "Serial No. 09/173,990" and requests a three month extension of the time for response to the August 17, 2000 official action.

For all of the above reasons it is evident that the present '715 and parent '990 applications have continuity (were copending on February 16, 2001) and that priority to the '990 application is proper.

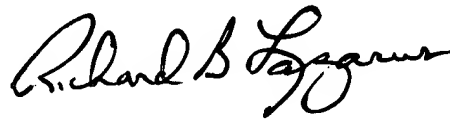
In view of the above, it is requested that the appropriate USPTO official confirm that this application is a continuation of U.S. Application No. 09/173,990.

If there are any questions or anything else is needed please contact the undersigned attorney.

In view of the above facts, it is submitted that this request is properly considered under 37 C.F.R. 1.181(a) without any fee. However, if a petition or other fee is due, such fee is authorized to be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (6631-27092).

Respectfully submitted,

BARNES & THORNBURG

A handwritten signature in black ink, appearing to read "Richard B. Lazarus", written in a cursive style.

Richard B. Lazarus
Reg. No. 48,215
(202) 371-6348



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/785,715	02/16/2001	3739	355	6631-27092		12	1

CONFIRMATION NO. 6811

RECEIVED

FILING RECEIPT

BARNES & THORNBURG
11 South Meridian Street
Indianapolis, IN 46204

MAR 23 2001



OC000000005876333

BARNES & THORNBURG

Date Mailed: 03/19/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

W. Gregory Chernoff, Indianapolis, IN;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CON OF 09/173,990 10/16/1998
WHICH CLAIMS BENEFIT OF 60/063,754 10/17/1997

Foreign Applications

If Required, Foreign Filing License Granted 03/17/2001

Projected Publication Date: 06/28/2001

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Tissue treatment method

Preliminary Class

607

Data entry by : YOSEPH, LETEYESUS

Team : OIPE

Date: 03/19/2001

I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief.

B

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09/785,715 Tissue treatment method

Application Data Transaction History Continuity Data Published Documents Publication Dates Address & Attorney/Agent

Parent Continuity Data				
Description	Parent Number	Parent Filing or 371(c) Date	Parent Status	Patent Number
This application is a Continuation of	09/173,990	10-16-1998	Abandoned	-
Which Claims Priority from Provisional Application	60/063,754	10-17-1997	Pending	-

Child Continuity Data

No Child Continuity Data Found

The Patent Electronic Business Center is available to assist with PAIR questions at (866) 217-9197 (toll free) or EBC@uspto.gov.

Internet

Page 1 Sec 1 1/2 At 6.6" Ln 26 Col 52 REC TRK EXT OVR English (U.S)

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BEST AVAILABLE COPY

Express Mail Number : EL 504 448 155 US
Mailed: February 16, 2001
Applicant: W. Gregory Chernoff
Invention: **TISSUE TREATMENT METHOD**
Serial No.: Unknown
Attorney Docket: 6631-27092



☒ Certificate Under 37 C.F.R. § 1.10
☒ Utility Patent Application Transmittal
☒ Signed Declaration and Power of Attorney
☒ Application
☒ Petition for Extension of Time
☒ Check in the amount of \$800.00

MAR 12 2001

The stamp of the U.S. Patent & Trademark Office affixed hereto acknowledges receipt of the indicated papers.

RDC/kat

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 3739

Attorney

Docket: 6631-27092

Applicant: W. Gregory Chernoff

Invention: TISSUE TREATMENT METHOD

Serial No: 09/173,990

Filed: Herewith (February 16, 2001)

Examiner: A. Farah

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on _____

Kim Tyree

Dated: _____

PETITION FOR EXTENSION OF TIME

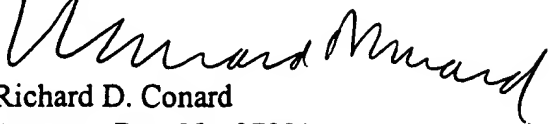
Box
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby petitions for a three month extension of time to respond to the August 17, 2000 official action. This extension is sought to achieve copendency with the continuation application which is being filed herewith. A check is presented herewith, including the \$445.00 fee for this extension of time. The Commissioner is hereby authorized to charge any additional fees in connection with this response, or credit any overpayment, to Applicants' undersigned counsel's deposit account 10-0435, referencing Applicants' undersigned counsel's file 6631-27092. A duplicate copy of this authorization is enclosed for this purpose.

Accordingly, Applicant submits that this application is now in condition for favorable consideration, culminating in allowance. Such action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard D. Conard".

Richard D. Conard
Attorney Reg. No. 27321
Attorney for Applicants

RDC/kat
INDS02 RDC 364597v1